REMARKS

This is a full and timely response to the non-final Official Action mailed May 20, 2004 (Paper No. 11). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claims 1-32 and 39-42 are currently pending for consideration. Claims 33-38 have been withdrawn from consideration under a Restriction Requirement.

With regard to the prior art, the outstanding Office Action rejected claims 1-4, 7, 9, 11, 13, 14, 16-19, 22, 26, 28, 29, 31 and 32 as unpatenable under 35 U.S.C. § 103(a) over the combined teachings of U.S. Patent No. 6,289,169 to Okuyama ("Okuyama") and U.S. Patent No. 5,892,536 to Logan et al. ("Logan"). The other dependent claims in the application were also rejected in view of Okuyama and Logan in combination with a variety of other secondary references. For at least the following reasons, these rejections are respectfully traversed.

Claim 1 recites:

> A personal versatile recorder for recording any type of data comprising:
> a central processing unit;
> a data storage device;
> a connection to a cable television system for receiving a signal comprising television programming and a data transport stream for transmitting any of streamed audiovisual content, multimedia files or software;
> wherein said central processing unit selectively records said television programming and data from said data transport stream on said data storage device.

Similarly, independent claim 16 recites:

> A method of receiving and recording television programming and any type of multimedia data with a personal versatile recorder, said method comprising selectively recording on a data storage device any of television programming, steamed audiovisual content, a multimedia file or software that is received by said personal versatile recorder in a composite signal that includes at least one data transport stream and a television signal.

In contrast, the combined teachings of Okuyama and Logan fail to teach or suggest the claimed connection that provides television programming, streamed audiovisual content, multimedia files and/or software. Okuyama and Logan further fail to teach or suggest a data storage device on which a central processing unit can selectively record such data.

Okuyama is cited as teaching the claimed central processing unit and data storage device. However, Okuyama teaches a system that incorporates a Video Tape Recorder (VTR) (3, Fig. 1) as a data storage device. The VTR taught by Okuyama is suitable for recording television programming, but would clearly be unsuitable for storing data from a transport stream such as multimedia files or software, as claimed. Consequently, Okuyama does not teach or suggest the claimed central processing unit and data storage device where the central processing unit selectively records television programming and data from a data transport stream on the data storage device.

Logan is cited as teaching the claimed connection to a cable television system providing a signal comprising television programming and a data transport stream carrying streamed audiovisual content, multimedia files and software. However, Logan does not teach or suggest a connection for a signal that includes multimedia files or software. The signal taught by Logan appears only to include television programming and streamed audiovisual content.

Thus, the combined teachings of Okuyama and Logan fail to teach or suggest the claimed connection that provides television programming, streamed audiovisual content, multimedia files and software. Okuyama and Logan further fail to teach or suggest a data storage device on which a central processing unit can selectively record such data

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Therefore, for at least these reasons, the rejection of claims 1-32 and 39-42 should be reconsidered and withdrawn.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper which have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: 20 August 2004

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DATE OF DEPOSIT: August 20, 2004
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated above in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Rebecca R. Schow